

113TH CONGRESS
2D SESSION

H. R. 5009

To require the payment of the full amount of separation pay otherwise due to former members of the Armed Forces who were separated under the former Don't Ask, Don't Tell Policy of the Department of Defense and were only paid a portion of the full amount.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2014

Ms. SPEIER introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require the payment of the full amount of separation pay otherwise due to former members of the Armed Forces who were separated under the former Don't Ask, Don't Tell Policy of the Department of Defense and were only paid a portion of the full amount.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Separation
5 Pay Fairness Act of 2014”.

1 **SEC. 2. FULL SEPARATION PAY FOR FORMER MEMBERS OF**
2 **THE ARMED FORCES WHO WERE SEPARATED**
3 **UNDER FORMER DON'T ASK, DON'T TELL POL-**
4 **ICY.**

5 (a) IDENTIFICATION OF AFFECTED MEMBERS.—Not
6 later than 60 days after the date of the enactment of this
7 Act, the Secretary of Defense shall—

8 (1) identify each former member of the Armed
9 Forces who was separated from the Armed Forces
10 for violation of the policy expressed in subsection (b)
11 of section 654 of title 10, United States Code, as in
12 effect before the effective date of the Don't Ask,
13 Don't Tell Repeal Act of 2010 (Public Law 111–
14 321; 124 Stat. 3516); and

15 (2) determine, for each member so identified,
16 whether the member was paid the full amount of the
17 separation pay to which the member should have
18 been entitled under section 1174 of such title or was
19 paid a reduced amount of separation pay because of
20 homosexuality, pursuant to paragraph 3.2.3.1.4 of
21 Department of Defense Instruction No. 1332.29, as
22 in effect at the time of the separation of the mem-
23 ber.

24 (b) PAYMENT OF FULL AMOUNT.—Not later than 30
25 days after the date on which the Secretary of Defense
26 makes a determination under subsection (a)(2) that a

1 former member of the Armed Forces was not paid the full
2 amount of the separation pay to which the member should
3 have been entitled under section 1174 of title 10, United
4 States Code, the Secretary shall pay to the member (or
5 to the estate of the member if the member is deceased)
6 an amount equal to—

7 (1) the amount of the difference between the
8 full amount of the separation pay that the member
9 should have been paid under such section and the
10 amount of separation pay actually paid to the mem-
11 ber; and

12 (2) interest on the amount determined under
13 paragraph (1) as provided in section 1035(b) of such
14 title.

15 (c) EXCLUSION OF CERTAIN MEMBERS.—Former
16 members of the Armed Forces who joined the class-action
17 settlement in *Collins v. United States* (Case No. 10–778c)
18 are not entitled to additional payment under subsection
19 (b)(1), but are entitled to interest as provided by sub-
20 section (b)(2).

21 (d) SOURCE OF FUNDS FOR PAYMENTS.—The Sec-
22 retary of Defense shall make the payments required by
23 subsection (b) using amounts appropriated for the pay-

- 1 ment of separation pay to members of the Armed Forces
- 2 under section 1174 of title 10, United States Code.

